

209546-81360

PATENT

REMARKS

Claims 1-16 are pending in this application. By this Amendment, Claims 1, 5 and 9 are amended, and Claims 11-16 are added. Favorable reconsideration is respectfully requested in light of the following Remarks.

Applicant gratefully acknowledge that the Office action indicates that the feature of a gap between the outer diameter of the first shaft portion and the inner diameter of the second shaft portion defines patentable subject matter. It is respectfully submitted that the claims define patentable subject matter. Favorable reconsideration is respectfully requested in light of the following Remarks.

1. The Office action rejects Claims 1, 2, 4-7, 9 and 10 under 35 U.S.C. §102(b) over Kempshall (U.S. Patent No. 586,770, hereinafter "Kempshall"). The rejection is respectfully traversed.

By this Amendment, independent Claims 1, 5 and 9 are amended to include the feature of the fastening portions of the second shaft portion engages the workpiece when the second shaft portion is deformed.

Kempshall discloses an eyelet including a tubular-shaped body *b* with an outwardly-extending flange *b'* and an opposite end with a series of fingers *b*². A ring of plastic material *f* is formed on the inner wall of flange *b'* forming a projection tube *f'* of plastic material. A tool *h* has two mold member *h'*, *h*² for engaging the inner portion of the eyelet. The heat from the member *h*² softens the plastic material *f*, and as the fingers *b*² are bent outward such that the tube *f'* is molded to form a second ring *f*² on the opposite end of the eyelet from the ring *f*. By this construction, the metal portion of the eyelet is covered at both ends and cannot come in contact with the garments of the wearer. *See lines 63-66.*

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. *See MPEP §2131.* As amended, Claims 1, 5 and 9 include the feature that the fastening portions of the second shaft portion engage the workpiece when the second shaft portion is deformed. It is respectfully submitted that at least this feature is not disclosed, taught or suggested in the applied art.

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For at least this reason, Claims 1, 5 and 9 are allowable over the applied art. Claims 2 and 4, which depend from Claim 1, Claims 6 and 7, which depend from Claim 5, and Claim 10, which depends from Claim 9, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office action rejects Claims 3 and 8 under 35 U.S.C. §103(a) over Kempshall. The rejection is respectfully traversed.

As mentioned above, there is no mention in Kempshall of at least the feature that the fastening portions of the second shaft portion engage the workpiece when the second shaft portion is deformed. Further, Kempshall teaches that the metal portion of the eyelet is covered at both ends and cannot come in contact with the garments of the wearer. *See lines 63-66.* Thus, it is respectfully submitted that Kempshall teaches away from the claimed invention, and therefore, it would not have been obvious to modify Kempshall to meet the claimed invention.

For at least this reason, Claims 3 and 8 are allowable over the applied art. Withdrawal of the rejection is respectfully requested.

New dependent Claims 11-13, which depend from Claims 1, 5 and 9, respectively, further specify that the first and second shaft portions define a gap therebetween, indicated as containing patentable subject matter. For at least this additional reason, Claims 11-13 are allowable over the applied art.

New dependent Claims 14-16, which depend from Claims 1, 5 and 9, respectively, further specify that the first and second shaft portions are made of thermoplastic material, unlike the applied art in which includes a metal portion. This difference in material enables the claimed invention to be deformed by heat. By contrast, the metal portion in the applied art is swaged by the tool. For at least this additional reason, Claims 14-16 are allowable over the applied art.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Saether believe anything further would be desirable in order to place the application in better condition for allowance; the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 50-3145 in the name of Honigman Miller Schwartz and Cohn LLP.

Respectfully submitted,



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